

PETITION TO PLACE INITIATIVE NO. \_\_\_\_\_  
 ON THE ELECTION BALLOT

If at least 15% of the registered voters in Ravalli County, Montana sign this petition and the total number of voters signing this petition is at least 4327, this measure will appear on the next regular election ballot. If a majority of voters vote for this measure at that election, it will become law.

If at least 25% of the registered voters in Ravalli County, Montana, sign this petition and the total number of voters signing this petition is at least 7212, we, the undersigned registered voters of Ravalli County, Montana, request that the Ravalli County Election Administrator place this measure on the earliest possible special election ballot. If a majority of voters vote for this measure at that election, it will become law.

BALLOT STATEMENT

This initiative would adopt an interim zoning regulation limiting subdivisions in Ravalli County to a density of 1 residence per 2 acres. The regulation would be an emergency measure to promote the public health, safety, and general welfare by regulating the rapid development and growth in Ravalli County for a fixed time period while the county government conducts studies, holds hearings, and considers long-term zoning regulations providing for planned and orderly growth.

The regulation is limited to one year from enactment. During this period, the county government must consider zoning regulations. The regulation could be extended for one year only.

### STATEMENT OF IMPLICATION

- ☐ For adopting an interim zoning regulation limiting subdivisions to a density of 1 residence per 2 acres.
- ☐ Against adopting an interim zoning regulation limiting subdivisions to a density of 1 residence per 2 acres.

Voters are urged to read the complete text of the measure, which is printed on the reverse side of this sheet. A signature on this petition only supports placement of the measure on the ballot and does not necessarily mean the signer agrees with the measure.

We, the undersigned Ravalli County registered voters, propose that the Ravalli County Election Administrator place the following measure on the next general election ballot or special election ballot:

**COPY**

WARNING

A person who purposely signs a name other than the person's own to this petition, who signs more than once for the same issue at one election, or who signs when not a legally registered Ravalli County, Montana voter is subject to a \$500 fine, 6 months in jail, or both. Each person is required to sign the person's name and list the person's address or telephone number in substantially the same manner as on the person's voter registration card or the signature will not be counted.

[illegible]

Text of the Measure

AN INTERIM ZONING REGULATION LIMITING SUBDIVISIONS TO A DENSITY  
OF 1 RESIDENCE PER 2 ACRES FOR A PERIOD OF ONE YEAR

Whereas, Ravalli County has experienced and is expected to experience the following trends:

1. The growth rate in Ravalli County was 44.2% between the years 1990 and 2000 and an additional 9.2% between 2000 and 2004;
2. The rate of growth places Ravalli County as one of the fastest growing counties in the state and rapid growth is projected to continue;
3. The Ravalli County Planning Department has been inundated with subdivision applications and, as of April 5, 2006, 47 subdivisions were pending review;
4. Two mega-subdivisions are in the pre-application phase: Aspen Springs with 643 homes on 393 acres east of Florence, and the Legacy Ranch with 582 homes on 400 acres on the northeast border of Lee Metcalf Wildlife Refuge north of Stevensville.

Whereas, the above and other proposed subdivisions have the potential to substantially and permanently affect public health, safety, and general welfare and would be inconsistent with and frustrate Ravalli County's adopted Growth Policy; and

Whereas, the Sheriff of Ravalli County has indicated his ability to provide law enforcement services is already stretched to the limit, stating in his 2005-2006 Budget Request "that the impact this subdivision (Aspen Springs at Florence) will have on my office may certainly be the straw that breaks the camel's back"; and

Whereas, the Tri State Water Quality Council Septic System Impact on Surface Water study, provides evidence that conventional septic systems are not adequate for removing nitrates and other pathogens where soils and/or groundwater conditions are marginally suitable or where septic system densities are too high; and

Whereas, population densities proposed by new Ravalli County subdivisions go far beyond nationally recognized safe septic system densities; and

Whereas, new developments have caused infrastructure demands beyond the capability of the county government, school, and fire districts to cope; and

Whereas, Montana Code Annotated 76-2-206 authorizes the county to enact interim zoning regulations as an emergency measure in order to promote the public health, safety, and general welfare if the purpose of the interim zoning regulation is to classify and regulate those uses and related matters that constitute the emergency; and

Whereas, the County Commissioners have previously adopted a Growth Policy on December 31, 2002, and amended the same on April 7, 2003; and

Whereas, the County Commissioners have recognized the emergency situation in Ravalli County caused by unregulated development and deem it necessary for the purpose of promoting the health, safety, and the general welfare of the County to enact zoning regulations; and

Whereas, the County Commissioners have directed the County Planning Department and Planning Board to commence procedures for the adoption of long-term County Zoning Regulations, but these long-term zoning regulations will not be in place in time to adequately address the public health, safety, and general welfare issues that constitute an emergency in Ravalli County at this time; and

Whereas, the County Commissioners have already committed to, within a reasonable time, conduct studies and hold hearings for the purpose of developing zoning regulations, such activities to take place prior to the one year deadline, or within two years if the interim regulation time period is so extended; and

Whereas, the citizens of Ravalli County have the authority, pursuant to Montana Code Annotated Section 7-5-131, through initiative to adopt an interim zoning regulation to protect the public health, safety and general welfare where an emergency situation exists; and

Whereas, the citizens of Ravalli County, Montana, deem an interim zoning regulation limiting development to one (1) dwelling per ten (10) acres necessary to address the emergency situation in Ravalli County until long-term zoning regulations have been adopted; and

Whereas, it is urgent, necessary, and appropriate to adopt an interim zoning regulation to forestall further unregulated development that will have a detrimental effect on the public health, safety, and general welfare; and

Whereas, this interim zoning regulation relating to the ratio of dwellings to land area is made with reasonable consideration, among other things, of the character of the county and the suitability for particular uses and particular areas, with a view to conserving the value of existing uses while encouraging appropriate future uses until long-term zoning regulations have been adopted; and

Whereas, this interim zoning regulation is designed to provide the following emergency protections pending the adoption of long-term zoning regulations thoroughly addressing development in Ravalli County:

1. Protect the public health, safety, and general welfare of the people; and
2. Conserve the values of property throughout the county and protect the character and stability of agricultural, residential, business, and industrial areas.

NOW, THEREFORE, an interim zoning regulation is hereby adopted as an emergency measure in order to promote the public health, safety, and general welfare pursuant to Montana Code Annotated 76-2-206. This interim zoning regulation shall be applied to all of the unincorporated area of Ravalli County.

No preliminary plat subdivision applications may be approved that provide for the building of residences at a higher density than one dwelling per two (2) acres. This regulation applies to all subdivision preliminary plat applications that have not yet been approved or conditionally approved. In addition to this density requirement, all other applicable subdivision and zoning requirements must also be met prior to review for approval.

This interim zoning regulation shall provide for the appointment of a Board of Adjustment Pursuant to Montana Code Annotated 76-2-221, (1). and in the regulations and restrictions adopted pursuant to the authority of this part shall provide that the board of adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the zoning resolution in harmony with its general purposes and intent and in accordance with the general or specific rules of this part.

(2) The board of adjustment shall adopt rules in accordance with the provisions of any resolution adopted pursuant to this part. Meetings of the board of adjustment shall be held at the call of the chairman and at such times as the board may determine. Such chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses. This interim zoning regulation shall become effective upon passage, and shall expire one (1) year from the date it becomes effective, unless the county government or voters extend the interim zoning regulation for one (1) additional year.

Zoning Variances may be applied for when, due to special circumstances or conditions such as exceptional topographic conditions, narrowness, shallowness, or the shape of a specific piece of property, the literal enforcement of the provisions of the Ravalli County Land Use Regulations would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owners of the property.

**STANDARDS FOR VARIANCE.** The Board of Adjustment shall not approve a variance unless it makes findings based upon the evidence in each specific case that:

- (A) the variance is consistent with the general purposes of the interim zoning regulation, and will conform to all of the following requirements and stipulations; and
- (B) strict application of the Code requirements would result in great practical difficulties or hardship to the applicant (not mere inconvenience) and prevent a reasonable return on the property; and
- (C) the variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship, and allow a reasonable return on the property; and
- (D) the plight of the applicant is due to circumstances not of his/her own making; and
- (E) the circumstances engendering the variance request are peculiar and not applicable to other property within the district; and
- (F) the variance will not alter the essential character of the area where the premises in question are located nor adversely affect the public health, safety and/or welfare; and

- (G) the variance will not in any manner place the subdivision in nonconformance with any adopted zoning regulation or comprehensive plan; and
- (H) the variance will not contribute to the emergency situation that exists in Ravalli County as defined in the interim zoning regulation; and
- (I) the variance is in the public interest.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Attest: Ravalli County Clerk & Recorder

